

Remarks

In response to the Office Action dated May 11, 2004, the Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. The claims as presented are believed to be in allowable condition.

In the present application, claims 1, 2, 5, 7, 8, 9 and 10 have been amended to specify that when an audio message related to caller identification information associated with a call is played, the caller identification information is simultaneously displayed on a caller identification device. The caller identification information includes at least one of a directory number and a name of a calling party. Support for these amendments may be found in Fig. 3 and on page 12, lines 20-28 in the Specification. No new matter has been added.

Claims 1-10 are currently pending in the application. Claims 1-2, 5-6 and 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Latter et al. ("Latter," U.S. Patent 6,332,021) in view of Pelletier et al. ("Pelletier," U.S. Patent 6,347,136). Claims 3-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Latter in view of Pelletier and in further view of Horan (U.S. Patent 6,347,136). Claim 7 stands rejected under 35 U.S.C. § 103(a) over Latter in view of Pelletier and in further view of Birckbichler (U.S. 5,796,806).

Claim Rejections - 35 U.S.C. §103

Claims 1-2, 5-6 and 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Latter in view of Pelletier. As discussed in the previous response filed on January 23, 2004 and in the Examiner interview of July 13, 2004, Latter discloses a system for providing caller identification information to a called party when standard Caller ID (i.e., directory name and number information) cannot be provided. Latter teaches that calls for which standard caller identification information is blocked, unavailable, or incomplete are, upon approval of the called party, audibly transmitted to the called party. See Abstract and Col. 2, lines 22-33.

Pelletier discloses a system for providing an announcement and message delivery service via a telecommunications network. As taught by Pelletier, the announcements and messages may include "information of interest" to a subscriber such as weather, financial data, sporting event results, etc. See Col. 2, lines 42-47. The information of interest may be communicated to a subscriber's caller ID "where caller information, such as name and phone number, normally can be seen." Optionally, the caller ID unit may be a speech synthesizer unit to audibly output the received subscriber information. See Col. 9, lines 25-35 and Col. 10, lines 1-8.

Neither Latter nor Pelletier, alone or in combination, teach, disclose, or suggest synthesizing and playing an audio message related to caller identification information and simultaneously displaying the caller identification information which may include a directory number and a name of the calling party, on a caller identification device, as specified in amended independent claims 1, 5, 8, and 10.

Since neither Latter nor Pelletier, alone or in combination, teach, disclose, or suggest the features specified in amended independent claims 1, 5, 8 and 10, these claims are allowable and the rejections of these claims under 35 U.S.C. § 103(a) should be withdrawn. Claim 2 depends from amended independent claim 1, claim 6 depends from amended independent claim 5 and claim 9 depends from amended independent claim 8. These claims are allowable for at least the reasons stated above with respect to claims 1, 5 and 8, as well as the features set forth therein. For instance, neither Latter nor Pelletier, alone or in combination, teach, disclose, or suggest the feature specifying that if the directory number associated with the call matches the directory number associated with the recorded audio message, to play the recorded audio message and to simultaneously display the caller identification information associated with the call, as specified in dependent claims 2, 6, and 8. Therefore, the rejections of claims 2, 6, and 8 under 35 U.S.C. § 103(a) should also be withdrawn.

Claims 3-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Latter in view of Pelletier and in further view of Horan. Claims 3-4 depend from amended independent claim 1 and thus incorporate at least the same features as amended independent claim 1. As discussed above, neither Latter nor Pelletier alone or in combination, teach, disclose, or suggest simultaneously playing a recorded audio message associated with caller identification information and simultaneously displaying the caller identification information associated with the call on a caller identification device. Horan, relied upon to cure the deficiencies of Latter and Pelletier, merely discloses the playing of an audio message over a speaker functionally connected to a caller identification device (column 6, lines 24-36). Horan, however, fails to teach, disclose, or suggest the aforementioned features of claims 3 and 4 discussed above. Therefore, claims 3-4 are allowable and the rejections of these claims under 35 U.S.C. § 103(a) should be withdrawn.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Latter in view of Pelletier and in further view of Birckbichler. Claim 7 depends from amended independent claim 5 and thus incorporates at least the same features as amended independent claim 5. As discussed above, neither Latter nor Pelletier alone or in combination, teach, disclose, or suggest simultaneously playing a recorded audio message associated with caller identification information and simultaneously displaying the caller identification information associated with the call on a caller identification device. Birckbichler, relied upon to cure the deficiencies of Latter and Pelletier, also fails to teach, disclose, or suggest the simultaneous audible playing and display of caller identification information. Therefore claim 7 is allowable and the rejections of these claims under 35 U.S.C. § 103(a) should be withdrawn.

Applicant's Request for Withdrawal of Final Rejection

Based on the foregoing remarks, the Applicant formerly requests reconsideration and withdrawal of the finality of the rejection of the last Office Action mailed on May 11, 2004 for

the pending application. During the interview between the undersigned counsel and the Examiner on July 23, 2004, this issue was raised in view of the discussion of the currently cited reference Pelletier and independent claim 1 in which the undersigned counsel submitted and the Examiner agreed, that Pelletier does not disclose the display of standard caller identification information (i.e., directory information such as name and number). Therefore, the Applicant respectfully submits that this request for reconsideration is persuasive and that the finality of the Office Action mailed on May 11, 2004 should be withdrawn. See MPEP 706.07(d).

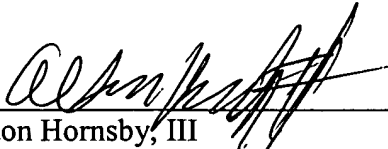
Conclusion

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicant's attorney at the number listed below.

The Applicant believes that no extension of time is required; however, this conditional petition is being made to provide for the possibility that the Applicant has inadvertently overlooked the need for a further additional extension of time. If any additional fees are required for the timely consideration of the application, please charge deposit account number 13-2725.

Respectfully submitted,
MERCHANT & GOULD

Date: August 10, 2004



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